

DELEGATE JAMES: Unless there is an objection, the transposition will be permitted.

DELEGATE PENNIMAN: In section 3.20 we made a few changes, because as the section was originally stated it seemed to us possible that there might be circumstances under which an enacted law never did go into effect, and we felt that this was not the intention of the Committee.

There are no changes of any significance in 3.21 or 3.22.

Now, in section 3.23 I would like—

DELEGATE JAMES (presiding): Delegate Borom.

DELEGATE BOROM: In 3.22 I notice on line 25, near the end you used the term "the plan" and on page 2 in a prior section, line 44, you struck out "plan" and put in "it". I wonder if for consistency you wanted to use the same term there.

DELEGATE PENNIMAN: I certainly have no objection to that being changed to "it". There is some merit to having a certain kind of consistency in this matter.

DELEGATE JAMES (presiding): Is there any objection to that change?

Would Delegate Penniman indicate the change? Are you suggesting this change for the consideration of the assembly?

DELEGATE PENNIMAN: If we may, on line 25, since we referred to the congressional redistricting plan having gone to the governor, in 24 and 25, "plan" can be changed to "it", which would get the wording in line with the way we had done it in an earlier section. That is quite correctly brought to our attention by Delegate Borom.

DELEGATE JAMES (presiding): If there is no objection, the language will be so modified.

DELEGATE PENNIMAN: The most important section in some respects of this article is section 3.23, the General Application of Laws. This was once section 7.06. This is the section which had been in the local government article, and which had sought to define areas in which there would be general laws, public general laws and public local laws, and what the limitations were.

As you know, one of the major points of this Convention has been to create a situation in which public general laws are the rule and public local laws are the excep-

tions. What we finally did, and we have done this by now some eight or ten different ways, consulting with virtually all the chairmen and other advisers within the Convention, was to state the general principle that the General Assembly shall enact no public laws except general laws which in their terms and effect apply throughout the State. Then we continued with what was also in 7.06, "No county shall be exempt from public general law, and the General Assembly shall have the power, notwithstanding the limitations imposed in this section, to enact laws pertaining to . . .". From here on we provide the only exceptions that there are to the general statement made above about the enactment of only general laws.

Now, in the tag end of the paragraph on page 9, beginning in line 13, we pick up what had been 3.17(a): "This section shall not be construed to limit any power of the General Assembly otherwise existing under this Constitution to enact special laws except that a special law shall not be enacted for any situation for which a general law is applicable."

If I may go back briefly to the exceptions, most of the exceptions are the ones which already existed and are stated in article 7, the local government article. It is, however, true that there are two items which may well come up for discussion in this group. The case of education clearly involved a couple of colloquies with Delegate Lord, on the one hand and Delegate Maurer and Delegate Moser on the other; and in the case of conservation there is a colloquy, or rather a speech made by Delegate Carson and another which was made by Delegate Storm. In each of these instances, in the case of education and in the case of conservation, the indication was clear that there was an intention that the General Assembly have the authority to pass legislation which did vary in its terms and effects from one county to another.

I think in all other instances they are in the local government article, and I should say that indeed, we have included one or two that may not have been necessary. They are included to make absolutely sure that there is no confusion on the matter. For example, it probably is not necessary to speak of the exception of providing for or regulating the powers of departments, agencies or instrumentalities of the State which perform a state if not a local function. That probably would have been considered general law, anyway. We put it in just to be absolutely certain.